

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

GREGORY LAMAR PRICE-IL,

Plaintiff,

v.

Case Number 08-14472-BC  
Honorable Thomas L. Ludington

PHILLIP A. RAGAN, JR.,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION  
AND SUA SPONTE DISMISSING PLAINTIFF'S COMPLAINT

On December 5, 2008, Magistrate Judge Charles E. Binder issued a report and recommendation that the Court sua sponte dismiss Plaintiff's complaint as for lack of subject matter jurisdiction. None of the parties to this action filed objections to the report and recommendation. A party's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt. # 5] is **ADOPTED**. Plaintiff's complaint is **DISMISSED**.

It is further **ORDERED** that Defendant's motion to dismiss [Dkt. # 3] is **DENIED** as moot.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: December 22, 2008

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 22, 2008.

s/Tracy A. Jacobs

TRACY A. JACOBS